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December 20, 2007

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Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007-1312

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12-20-07

Re: Lifetime Entertainment Services v. Venaca, Inc. et al., 07 Civ. 11271 (VM)

Dear Judge Marrero:

We are the attorneys for plaintiff Lifetime Entertainment Services in the above-captioned action.

Further to my conversation with your clerk this afternoon, it has just now come to our attention that there may not be complete diversity of citizenship among the parties to this action. Though the facts are not entirely clear, out of an abundance of caution, we request that the hearing scheduled for tomorrow before the Court at 2:45 p.m. be cancelled. At present, we intend to voluntarily discontinue this action pursuant to F.R.C.P. 41(a)(1), with notice to all parties, and we will recommence the action tomorrow in the Commercial Part of the Supreme Court of the State of New York, New York County.

We sincerely regret any inconvenience this has caused to the Court or to any other party.

Respectfully,

Kevin W. Goering

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cc: Bob Gupta, Venaca, Inc. (via email - bobg@venaca.com)
Charles McCormick, McCormick & O'Brian, LLP (via facsimile - 212-504-9574)
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Request GRANTED The Clerk of Court is directed to dismiss the complaint herein and to close this case.	
SO ORDERED:	
12-20-07	
DATE	VICTOR MARRERO, U.S.D.J.